

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

PAUL HICKS

CRIMINAL COMPLAINT

CASE NUMBER: 05-mj-00010

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 20, 2005 in Plymouth county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

having previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possess, in and affecting commerce, numerous rounds of ammunition, in violation of 18 U.S.C. Section 922(g)(1); and did knowingly and intentionally possess with intent to distribute a quantity of cocaine and cocaine base, each a Schedule II controlled substance,

in violation of Title 21 United States Code, Section(s) 841(a)(1)

I further state that I am a(n) Special Agent, ATF and that this complaint is based on the following facts:
Official Title

See attached affidavit of Jody Minick.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No



Signature of Complainant

Sworn to before me and subscribed in my presence,

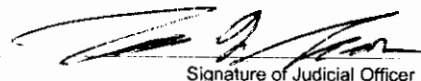
June 8, 2005
Date

at

Boston, Massachusetts
City and State

LEO T. SOROKIN
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT OF JODY MINICK

I, Jody Minick, being duly sworn, do state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). In that capacity, I have been involved in numerous investigations of violations of federal firearms Laws. I am currently assigned to a group in the Boston Field Division of ATF that, in part, works with other Federal, State and local police departments in and around the Metropolitan Boston area to investigate and prosecute violations of federal firearms, explosives and controlled substance laws.

2. Based on my training and experience as an ATF Special Agent, I am familiar with federal firearms laws and know that it is a violation of Title 18 U.S.C. § 922(g)(1) for any person who has been previously convicted of a felony, that is, a criminal offense punishable by imprisonment for a term of more than one year, to possess a firearm or ammunition that has previously traveled in interstate commerce. In addition, it is a violation of 21 U.S.C. § 841(a)(1) to knowingly and intentionally possess with intent to distribute cocaine or cocaine base, each a Schedule II controlled substance.

3. This affidavit is submitted in support of a criminal complaint charging Paul Hicks (year of birth 1973) ("Hicks") with possession of ammunition by a felon, in violation of 18

U.S.C. § 922(g)(1), and with knowingly and intentionally possessing with intent to distribute a quantity of cocaine and cocaine base, each a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1). The facts stated herein are based upon my review of police reports, court records, and other documents and my discussions with other law enforcement officers involved with this investigation. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts I believe are sufficient to establish the requisite probable cause.

4. On January 20, 2005, the Massachusetts State Police applied for and received a search warrant issued by the Brockton District Court for the search of 15 Cabot Street, Brockton, Massachusetts ("15 Cabot Street"). As set forth in the affidavit in support of the search warrant application, a confidential informant ("CI") purchased crack cocaine on January 7 and January 16, 2005 from a man known to the CI as "Pudgie." Officers of the Massachusetts State Police know Pudgie to be a nickname used by Hicks. The police showed the CI a photograph of Hicks and the CI stated that the photograph depicted Pudgie.

5. Also on January 20, 2005, at approximately 6:40 p.m,

police officers executed the search warrant at 15 Cabot Street, which is a three-bedroom single family dwelling. Two of the bedrooms were furnished as children's rooms and contained children's clothing. The third bedroom ("the master bedroom") was furnished as an adult bedroom and contained both male and female adult clothing. According to Eastern Utilities Security, utilities at 15 Cabot Street are listed in Hicks's name.

6. The only adult present at 15 Cabot Street when the officers arrived was Hicks. (Two children - a twelve-year-old and a five-year-old - were present as well.) When the police entered 15 Cabot Street, they found Hicks sitting on a bed in the master bedroom. During a search of the apartment, the police found the following items, among others, in the following locations:

- a. A gun holster in the first drawer of the night stand in the master bedroom;
- b. A box containing 25 rounds of 9 mm. ammunition; three pistol magazines, one of which contained 15 rounds of ammunition; four rounds of .357 caliber ammunition; four rounds of 9mm ammunition; and a plastic bag containing 25 rounds of 9mm. ammunition in the first drawer of the night stand in the master bedroom;
- c. A Comcast bill in the name of Paul Hicks in the second drawer of the night stand;
- d. Twenty-one rounds of assorted ammunition in a hallway closet;

- e. A starter gun in the basement;
- f. Approximately 21 grams of crack cocaine inside the leg of a weight bench in the basement;
- g. Approximately 125 grams of powder cocaine inside the leg of a weight bench in the basement;
- h. A scale, a box of sandwich bags, and baking soda on a ledge in the basement;
- i. Two digital scales and a Comcast bill in the name of Paul Hicks in a kitchen cabinet; and
- j. \$2,090 in U.S. currency in the pocket of a man's leather jacket.

7. According to Special Agent Angelo Thurman, an ATF interstate nexus expert, none of the ammunition seized at the search premises was manufactured in the Commonwealth of Massachusetts. All such ammunition, therefore, traveled in interstate commerce before January 20, 2005.

8. I have reviewed Hicks's criminal record as maintained by the Massachusetts Criminal History Systems Board. That record shows that Hicks has been convicted of several crimes punishable by a term of imprisonment of greater than one year. For example, on November 25, 1996, Hicks was convicted in Suffolk Superior Court of Assault with a Dangerous Weapon and sentenced to a term of imprisonment of 2-3 years.

9. Based on my training and experience, the types of

digital scales located during the search of 15 Cabot Street are suitable for weighing illegal narcotics. In addition, based on my training and experience, possession of the quantities of cocaine and crack cocaine located at 15 Cabot Street is consistent with the amount one would possess for the purpose of selling it. These amounts of narcotics are greater than one would commonly possess for personal use. During the search, officers also found plastic baggies of the type that, based on my training and experience, are commonly used for street-level sales of cocaine and crack cocaine.

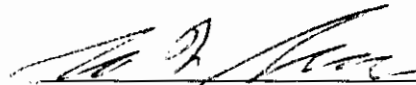
10. Based on the above, I believe there is probable cause to conclude that, on January 20, 2005, in Brockton, Massachusetts, Paul Hicks, having previously been convicted of a crime punishable by a term of imprisonment of more than one year, did knowingly possess, in and affecting commerce, numerous rounds of ammunition, in violation of Title 18 U.S.C. § Section 922(g)(1), and did knowingly and intentionally possess with intent to distribute a quantity of cocaine and a quantity of

cocaine base, Schedule II controlled substances, in violation of
21 U.S.C. § 841(a)(1).



JODY MINICK
Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn and subscribed to me this 8th day of June, 2005.



LEO T. SOROKIN
U.S. Magistrate Judge



JS 45 (5/97) - (Revised USAO MA 1/15/04)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency ATFCity Brockton Related Case Information:County Plymouth Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Paul Hicks Juvenile ☐ Yes ☒ No

Alias Name _____

Address 15 Cabot Street, Brockton, MABirth date (Year only): 1973 SSN (last 4 #): 3407 Sex M Race: Black Nationality: USA

Defense Counsel if known: _____ Address: _____

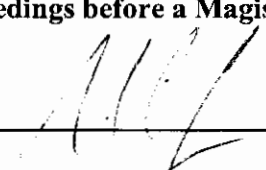
Bar Number: _____

U.S. Attorney Information:AUSA John A. Capin Bar Number if applicable 557277Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: June 8, 2005Signature of AUSA: 

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Paul Hicks

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 922(g)(1)</u>	<u>Possession of Ammunition by Felon</u>	<u>1</u>
Set 2	<u>21 U.S.C. § 841(a)(1)</u>	<u>Possession of cocaine & cocaine base w intent</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
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ADDITIONAL INFORMATION: _____
